

BASARA, Michael  
Appl. No. 10/057,958  
May 11, 2004

**REMARKS**

The rejection of claims 7-9 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement is respectfully traversed. The Examiner comments that the limitation in claim 7 that the outer layer cannot penetrate through the inner layer is new matter. The Examiner is referred to the Abstract, and lines 8-10, P. 1; line 18, P. 3; line 6, P. 4; line 12, P. 5; of the specification and line 8 of original claim 1 wherein it is variously stated that the inner body has a continuous inner surface without gaps. Reference is also made to the drawing figures, particularly Figures 2 and 4, show the lack of any penetration of the inner materials by the outer materials. The nature of the inner surface as disclosed and illustrated clearly precludes any penetration of the first material through the inner body. Thus, Applicant submits there is ample support for the claimed limitation and Applicant has amended Page 4 of the specification to provide that literal support.

The rejection of claims 7-9 as unpatentable over Boehm, U.S. Patent No. 4,460,534, in view of Morin, U.S. Patent No. 3,354,249, is respectfully traversed. In Boehm there is formed a key for a keyboard having e.g. the letter A exposed through the outer surface of outer shell 11. Material 24 fills the interior cavity of shell 11 and flows into the void defining the letter A thereby filling the void with the letter A being exposed through the outer surface of shell 11. While acknowledging Morin is deficient in teaching projections of various sizes and shapes as well as edges having acute angles, the Examiner relies on Morin for those deficiencies concluding that to provide Boehm with

those aspects would have been obvious in light of Morin. Morin, however, discloses an inner body which penetrates through an outer body and an outer body which penetrates through an inner body. For example, in Figure 4 the inner body penetrates through the outer body at 32' while the outer body penetrates the inner body at 46. The Examiner has extracted from Morin an aspect of the Morin disclosure, i.e., the various shapes and sizes of the penetrations through the outer body by the inner body of Morin, while at the same time ignoring the disclosure of Morin which requires penetrations of both the inner body through the outer body and the outer body through the inner body. The Examiner also extracts the aspect of acute angles at the junction of the edges of the outer body which receive the penetrations from the inner body. However, Morin requires once again both the inner and outer body to have projections which penetrate the other. What prompts the Examiner to make the rejection and extract these aspects of Morin from the overall disclosure of Morin is only Applicant's disclosure in claims. It is not what is suggested by the references themselves. The predicate for the Examiner's conclusion of obviousness with respect to the acute angles is that, to prevent separation of the two parts of Boehm, the edge of the outer body of Boehm should be angled. However, it is quite clear that in Boehm the inner body even with 90° edges would not cause separation of the inner and outer bodies of Boehm since the inner body is contained within the outer body. In light of the inner and outer bodies of both Morin and Boehm, the Examiner's predicate is nothing more than make-weight for purposes of establishing a rejection and does not truly constitute a suggestion from the prior art.

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The rejection of claims 7 and 9 as unpatentable over Danielson, U.S. Patent No. 2,663,910, in view of Gits, U.S. Patent No. 3,031,722, and further in view of Boehm, U.S. Patent No. 4,460,534, is respectfully traversed. As noted in prior responses, Danielson in Figure 6 has an inner body which penetrates through the outer body as also the outer body penetrates through the inner body. Contrary to the clear teaching of Danielson requiring the outer body to penetrate the inner body, the Examiner would modify Danielson reportedly from a suggestion by Boehm to eliminate from Danielson any penetration of the inner body by the outer body. This however is contrary to the explicit teachings of Danielson and it cannot be said to have been obvious to do so when such is a requirement of Danielson. The character and nature of the Danielson method is thus changed. Persons of skill in the art would not therefore have altered the Danielson patent in that manner.

Accordingly, reconsideration and allowance of the claims presently pending in the application is respectfully requested.

Respectfully submitted,

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